

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

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UNITED STATES,

Plaintiff,

v.

No. 23-20191

DEMETRIUS HALEY,

Defendant.

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UNOPPOSED MOTION TO SET MARCH 1, 2024 DEADLINE FOR GOVERNMENT TO  
DISCLOSE ALL TRANSCRIPTS IT INTENDS TO USE AT TRIAL

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Comes now the defendant, Demetrius Haley, by and through his counsel of record, Michael J. Stengel, and moves this Court to enter an order setting a deadline for the United States to disclose all transcripts it intends to either introduce into evidence OR furnish as an aid to the jury's understanding of audio admitted. In support thereof, Mr. Haley would show:

1. The Sixth Circuit has explicitly announced a preferred procedure to follow with respect to transcripts of recorded audio admitted into evidence. Simply, the parties should attempt to agree on the transcript used. If no such agreement can be reached, a motion should be filed addressing the specific portions of the transcript challenged. If necessary, a hearing is conducted and the court rules on the accuracy of the transcript(s) after listening to the recording. United States v. Scarborough, 43 F.3d

1021, 1024-25 (6<sup>th</sup> Cir. 1994); United States v. Robinson, 707 F2d 872, 878-79 (6<sup>th</sup> Cir. 1983).

2. In view of the substantial audio the United States has produced in discovery, counsel wrote the prosecution, asking whether it intended to prepare and use transcripts at trial. The government confirmed that it does intend to prepare and use transcripts of audio admitted at trial.

3. Counsel needs time to review any proposed transcripts, seek to resolve any issues regarding the transcript(s) accuracy with the government, and, if necessary, file a motion challenging any remaining disputes.

4. In view of the scheduling order, the parties would jointly recommend that the court set a deadline of March 1, 2024 for the government to disclose all transcripts it intends to use at trial.

5. In accordance with L.Cr.R. 12.1(a), the undersigned consulted with the prosecution and learned, from AUSA Gilbert, that the United States does not object to it being granted and a March 1, 2024 deadline being set.

WHEREFORE, PREMISES CONSIDERED, Demetrius Haley prays this Court grant his motion and set a March 1, 2024 deadline for the government to disclose any transcripts it intends to use at trial.

Respectfully submitted,

S/Michael J. Stengel

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Certificate of Service

I hereby certify that I have served a copy of the foregoing Motion to Set Transcript Disclosure Deadline by electronic means, via the Court's electronic filing system, on AUSA's David Pritchard, Libby Rogers, Kathryn Gilbert, and Forrest Christian this 6th day of November, 2023.

S/Michael J. Stengel